

REMARKS

Claims 1, 2, 4 to 15, 17 to 23, and 25 to 29 are pending in the application, of which claims 1, 9, 14 and 22 are the independent claims. Favorable reconsideration and further examination are respectfully requested.

Initially, Applicant thanks the Examiner for the indication that claims 3 to 5, 16 to 18, and 24 to 26 contain allowable subject matter. Without conceding the propriety of the rejection, and solely to advance the application to allowance, Applicant has incorporated the subject matter of claim 3 into its base claim 1, the subject matter of claim 16 into its base claim 14, and the subject matter of claim 24 into its base claim 22. Accordingly, claims 1, 14 and 22, and their dependent claims, are believed to be allowable.

The remaining independent claim, namely claim 9, was rejected under 35 U.S.C. §102(a) over U.S. Patent No. 6,108,699 (Moiin). As shown above, claim 9 was amended to include subject matter similar to that which was indicated as being allowable in claims 3, 16 and 24. In particular, claim 9 was amended to recite that, if the first network device responds to the request, the second network device does not respond to the request. Moiin is not believed to disclose or to suggest this feature of claim 9.

In this regard, column 7 of Moiin describes broadcasting a reconfiguration message to each of nodes 1 to 5 (the "petitioned" nodes), and waiting to receive a reconfiguration message from each of the petitioned nodes. As explained in lines 30 et seq. of Moiin, "[i]f CMM 220A fails...to receive a reconfiguration message from any of the petitioned nodes....reconfiguration fails". Thus, Moiin describes a system in which each node responds to a reconfiguration message regardless of whether other nodes also issue a

response. This is in direct contrast to claim 9, in which if the first network device responds to the request, the second network device does not respond to the request.

U.S. Patent No. 6,115,545 (Mellquist), which was cited against several dependent claims, is not understood to remedy the foregoing deficiencies of Moiin vis-à-vis claim 9. Accordingly, claim 9 and its dependent claims are believed to be allowable.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.


Please apply any fees or credits due in this case to Deposit Account 06-1050, referencing Attorney Docket No. 10559-474001.

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